

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

**I. (a) PLAINTIFF(S)**

TRUIST BANK, formerly known as BRANCH BANKING AND TRUST COMPANY

**DEFENDANT(S)**

PEACHTREE INVESTMENT SOLUTIONS, LLC; JOHN STEPHEN BUSH; and DWAYNE P. DAVIS

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**

Mecklenburg (NC)

(EXCEPT IN U.S. PLAINTIFF CASES)

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT**

Fulton

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS**

(FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Spilman, Thomas & Battle, attn: Travis A. Knobbe  
One Oxford Centre, Suite 3440, 301 Grant Street  
Pittsburgh, PA 15219, (412) 325-3311,  
tknobbe@spilmanlaw.com

**ATTORNEYS (IF KNOWN)****II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
<input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input checked="" type="checkbox"/> 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(FOR DIVERSITY CASES ONLY)

PLF	DEF	PLF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1 CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2 CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6 FOREIGN NATION

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION - TRANSFER	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
<input type="checkbox"/> 8 MULTIDISTRICT LITIGATION - DIRECT FILE						

**V. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiff, a North Carolina banking corporation, is filing the present action for breach of a promissory note and guaranty agreements by Defendants, who all reside or have their principal place of business in Georgia. The amount in controversy is greater than \$75,000.00, and the basis of jurisdiction is 28 U.S.C. 1332.

**(IF COMPLEX, CHECK REASON BELOW)**

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

**CONTINUED ON REVERSE****FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

(Referral)

APPLYING IFP \_\_\_\_\_

MAG. JUDGE (IFP) \_\_\_\_\_

NATURE OF SUIT \_\_\_\_\_

CAUSE OF ACTION \_\_\_\_\_

**VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)****CONTRACT - "0" MONTHS DISCOVERY TRACK**

150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT  
 152 RECOVERY OF DEFECTED STUDENT LOANS (Excl. Veterans)  
 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

**CONTRACT - "4" MONTHS DISCOVERY TRACK**

110 INSURANCE  
 120 MARINE  
 130 MILLER ACT  
 140 NEGOTIABLE INSTRUMENT  
 151 MEDICARE ACT  
 160 STOCKHOLDERS' SUITS  
 190 OTHER CONTRACT  
 195 CONTRACT PRODUCT LIABILITY  
 196 FRANCHISE

**REAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

210 LAND CONDEMNATION  
 220 FORECLOSURE  
 230 RENT LEASE & EJECTMENT  
 240 TORTS TO LAND  
 245 TORT PRODUCT LIABILITY  
 290 ALL OTHER REAL PROPERTY

**TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK**

310 AIRPLANE  
 315 AIRPLANE PRODUCT LIABILITY  
 320 ASSAULT, LIBEL & SLANDER  
 330 FEDERAL EMPLOYERS' LIABILITY  
 340 MARINE  
 345 MARINE PRODUCT LIABILITY  
 350 MOTOR VEHICLE  
 355 MOTOR VEHICLE PRODUCT LIABILITY  
 360 OTHER PERSONAL INJURY  
 362 PERSONAL INJURY - MEDICAL MALPRACTICE  
 365 PERSONAL INJURY - PRODUCT LIABILITY  
 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY  
 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

**TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

370 OTHER FRAUD  
 371 TRUTH IN LENDING  
 380 OTHER PERSONAL PROPERTY DAMAGE  
 385 PROPERTY DAMAGE PRODUCT LIABILITY

**BANKRUPTCY - "0" MONTHS DISCOVERY TRACK**

422 APPEAL 28 USC 158  
 423 WITHDRAWAL 28 USC 157

**CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK**

440 OTHER CIVIL RIGHTS  
 441 VOTING  
 442 EMPLOYMENT  
 443 HOUSING/ ACCOMMODATIONS  
 445 AMERICANS WITH DISABILITIES - Employment  
 446 AMERICANS WITH DISABILITIES - Other  
 448 EDUCATION

**IMMIGRATION - "0" MONTHS DISCOVERY TRACK**

462 NATURALIZATION APPLICATION  
 465 OTHER IMMIGRATION ACTIONS

**PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK**

463 HABEAS CORPUS- Alien Detainee  
 510 MOTIONS TO VACATE SENTENCE  
 530 HABEAS CORPUS  
 535 HABEAS CORPUS DEATH PENALTY  
 540 MANDAMUS & OTHER  
 550 CIVIL RIGHTS - Filed Pro se  
 555 PRISON CONDITION(S) - Filed Pro se  
 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

**PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK**

550 CIVIL RIGHTS - Filed by Counsel  
 555 PRISON CONDITION(S) - Filed by Counsel

**FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK**

625 DRUG RELATED SEIZURE OF PROPERTY  
21 USC 881  
 690 OTHER

**LABOR - "4" MONTHS DISCOVERY TRACK**

710 FAIR LABOR STANDARDS ACT  
 720 LABOR/MGMT. RELATIONS  
 740 RAILWAY LABOR ACT  
 751 FAMILY and MEDICAL LEAVE ACT  
 790 OTHER LABOR LITIGATION  
 791 EMPL. RET. INC. SECURITY ACT

**PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK**

820 COPYRIGHTS  
 840 TRADEMARK  
 880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)

**PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK**

830 PATENT  
 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

**SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK**

861 HIA (1395ff)  
 862 BLACK LUNG (923)  
 863 DIWC (405(g))  
 863 DIWW (405(g))  
 864 SSID TITLE XVI  
 865 RSI (405(g))

**FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK**

870 TAXES (U.S. Plaintiff or Defendant)  
 871 IRS - THIRD PARTY 26 USC 7609

**OTHER STATUTES - "4" MONTHS DISCOVERY TRACK**

375 FALSE CLAIMS ACT  
 376 Qui Tam 31 USC 3729(a)  
 400 STATE REAPPORTIONMENT  
 430 BANKS AND BANKING  
 450 COMMERCE/ICC RATES/ETC.  
 460 DEPORTATION  
 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS  
 480 CONSUMER CREDIT  
 485 TELEPHONE CONSUMER PROTECTION ACT  
 490 CABLE/SATELLITE TV  
 890 OTHER STATUTORY ACTIONS  
 891 AGRICULTURAL ACTS  
 893 ENVIRONMENTAL MATTERS  
 895 FREEDOM OF INFORMATION ACT 899  
 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION  
 950 CONSTITUTIONALITY OF STATE STATUTES

**OTHER STATUTES - "8" MONTHS DISCOVERY TRACK**

410 ANTITRUST  
 850 SECURITIES / COMMODITIES / EXCHANGE

**OTHER STATUTES - "0" MONTHS DISCOVERY TRACK**

896 ARBITRATION  
(Confirm / Vacate / Order / Modify)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23      DEMAND \$ 504,405.84

JURY DEMAND  YES  NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

**VIII. RELATED/REFILED CASE(S) IF ANY**

JUDGE \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

**CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)**

1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  
 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  
 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.  
 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.  
 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.  
 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_, WHICH WAS DISMISSED. This case  IS  IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

/s/ Travis A. Knobbe

3/8/2021

SIGNATURE OF ATTORNEY OF RECORD

DATE